

# A REPLY TO A PRINTED PAPER

TO A

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Bedford Level

Incited the state of the Adventurers Case, in Answer to a Petition ex-

hibited against them by the Inhabitants  
of the Town of Peterborough, which directly

ly demonstrates the said Answer to consist  
of nothing but falsehoods and untruths,  
fallacies and equivocations, calumnies  
and detractions.

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And for the better satisfaction of the Reader, there is herewithall printed the Petition it self, and the Exceptions to the Act for destroying:

Together with a Paper which the Undertakers (though falsely) file a Warrant for a Tax.



Printed in the Year, 1650.

A  
Y E P T E R  
case G 45086 74  
A O T  
P R I N T E D P A P E R



0781, *Cratichneumon*

To the Supreme Authority of  
ENGLAND, Assembled in PARLIAMENT.

The humble Petition of the Inhabitants of the Soake  
of Peterborow, within the County of Northam-  
pton, containing about forty Townes and Villages,  
whose names are hereunto subscribed.

Humblye fforwth.

**H**at your Petitioners understand, by an Act  
lately passed, That the Earl of Bedford and  
his participants, (who may be Judges and  
Parties for ought we know, not being na-  
med) as Undertakers, are to Draine our  
Fennes in the Soake of Peterborow, which  
contain about eight thousand Acres, and are to have above  
three thousand out of them, upon these grounds as we hum-  
bly conceive: First, that we desired to be drained by them;  
Secondly, that we are fully heard; Thirdly, that our grounds  
were hurtfully surrounded, and of little or no value. To the  
first we denie, that we ever gave our consents, but contra-  
riwise, we alwayes opposed it; and if any Petitions were  
presented to that purpose, we protest against them. To the  
second, we attended many moneths at the Committee,  
but never had one witnessse examined. To the third, your  
Petitioners can prove, that our grounds are not hurtfully  
surrounded (as is suggested) but generally worth Tenne,  
Twelve, and Twenty shillings an Acre; which is very  
well knowne to a principall Engineere lately employed by  
the said Adventurers; who for four hundred Acres would  
have secured all the residue from any hurtfull surround-  
ing, or over-flowing: the onely prejudice we receive, be-  
ing by the neglect of scowring some ancient Draines and  
Sewers by the said Earl in his Mannor of Thorney, and some  
new workes contrary to Law erected at Whittlesey, and  
elsewhere, which hurtfully surrounds many thousand  
Acres of rich Medows; yet the said Earle must have above

a third part of our Fen for inclosure. Your Petitioners humbly re-mind this Honourable House, that in *primo Januarii* the undertaking Draining was throwne out of this House for a Monopoly : Also your Honors, in your Grand and first Remonstrance of the fifteenth of December, 1641. adjudged it an *Injustice, Oppression, Violence, Prejudice, and Grievance*, and in more express words thus ; large quantities of Commons and Severals have beeene taken away from the subject by the colour of the Statute of Improvement, and by abuse of the Commissions of Survey, without their consent, and against it.

The humble desires of your Petitioners are; First, that they may enjoy the benefit of your Declaration, to maintain our Properties, according to the Great Charter, and Protection of Right, and that (according to the Statute of Mortmain) your Petitioners may be at liberty to make the best of their own, or that your Honour's would be pleased to confirm of our Exceptions against the said Act, which we humbly tender herewith unto your Honour's; 2. that in the mean time we may not be disquieted in our Possessions, by the said Undertakers; And lastly, that we may reap the benefit of your former Order, That no Member of this Honourable House, or any other person that is an Undertaker, Sharer, Purchaser, near Allot, Lender of money, or shall have Colateral Security upon the Undertakers pretended Shares of our Land, may be Judge and Parties. And these things we are imboldened to crave of your Honour's (although an Act of Parliament be passed against us) from your own words laid down in your excellent Declaration of November, 1642. where you declare, It is the peoples Right, and your Duty, to receive Petitions, though against settings established by this Law. I implore and command to be done, and to be done by your Honourable Committee, and by your own Master, And your Petitioners shall pray, &c. And your Petitioners shall pray, &c. **Exceptions**

**Exceptions to the Bill for draining of the great Level,  
extending it into the Counties of Northampton, &c.**

1. **V**irtually Heares in the preamble of the Act, the great Level is suggested to be such grounds, as by reason of the frequent overflowing, are of small and uncertaine profit; and under this notion doe include the Fenne in *Peterborow Seke*.

**Except.** We deny our Fenne to be of that condition, being generally worth ten, twelve, and twenty shillings the Acre; And so they have erected their structure upon a false & unsound foundation, taking that for granted which is not.

2. Another confidencion for the passing this Act, is that the Earle of Bedford in the 13<sup>th</sup>. yeare of King Charles, had ninety five thousand Acres decreed to him out of the said Level, in recompence of his undertakings.

**Except.** This decree was procured by bribing the King with 12000. Actes of the said Level, three thousand whereof was part of the Common of your Petitioners.

3. It is further alledged, that the said Earle and his participants had made a good progresse therein.

**Except.** The onely progresse they made, was to divide the said ninety five thousand Acres amongst themselves by lots and shares, as by the words of the said Act appears, for it was found by a Jury at Huntington, 14. Car. that the said Earle and his Participants, had not meliorated the said Fennes.

4. Whereas it is also suggested that by reason of some interruptions, the intended benefit of the Common wealth hath been prevented and delayed.

**Except.** The interruption they received were onely their own fears to proceed, because their undertakings were illegall, and their proceedings no just which never were beneficiall, but destructive to the Common wealth, as hath been declared by this present Parliament.

5. Another inducement to passe the Act, is that the said Earle and his Participants are content to proceed in the said worke, and hold it out as busynesse proper for the care of a Parliament.

5. **Except.** We conceive the Undertakers, many of them being persons disaffected, are so consented to the end they might render the Parliament disaftefull to the people, and by consequence ruine them, by countenancing that which they had formerly adjudged, and demonstrated as a grievance in the case of Sir *Robert Barkeham*, *Captaine Hall*, and Mr. *Watson*; and so might doe that by policy, which they could not doe by power.

6. By the Act the Undertakers may leave 15000 Acres, for beds and receptacles for Water, besides Meres, Pooles, and Channels.

**Except.** Under this pretence, they may (to Draine the Earle of *Bedfords* Lands, which are next adjoyning, and really hurtfully surrounded) make all our Common a receptacle for water.

7. Many of the Commissioners are such which the Undertakers know will not attend, others are Undertakers, sharers, or creditors directly or colaterally, and the Participants (not being named) may bee Commissioners for ought wee know, and these Commissioners have absolute and unlimited power by view, or otherwise as to them shall seeme meete without Juries (the life of the Law, and the peoples just freedome) to judge our grounds Drained, and put us out of possession; and in case wee bee grieved by their judgement, yet wee have no remedy but by appealing to themselves; and that in the Temple Hall in *London*, or whither they will adjourne whereby the remedy is worse then the disease.

8. Our Lands were heretofore unjustly decreed to the sayd Earle, by colour of a Commission of Sewers, yet upon this ground the Undertakers must have the same proportion againe, whether wee receive benefit or no; and we have no liberty by this act to seek redresse, till first wee be put out of possession, and then the Commissioners have only power for three yeares to give satisfaction, afterwards we be remediless.

9. **Except.** Any five Commissioners may put us out of possession, but wee cannot be restored without six, by the ancient

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ancient Commissioners of Sewers, there ought to be seven times six, by reason there were seven Levels.

10. *Ex.* In case any restitution bee made to any person or owner, it must be taken from another; the Undertakers must still keepe their shares, which is to engage the Countie in Feuds and differences.

11. *Except.* By the sayd Act, the River of *Welland* is not to be intermedled withall, which will be very prejudicall to your Petitioners, for wee finde by constant experiance, that in case wee bee not supplyed out of that River, our Grounds is of that condition, that our Cattle perish for want of water.

12. *Except.* The Commissioners by the Act have power at discretion to make our Lands which they conceive improved, though not within the pretended Levell, to bee contributary to the Undertakers, so that no man knowes whether his Estate be free or no.

13. *Except.* By the 43. of *Elizabeth*, commonly called the Statute of Improvement; it is enacted and provided that an Undertaker ought to have the Major part of the owners and commoners consents, which the Undertakers well knew, and therefore they suggested to the Parliament, that your Petitioners did desire them to undertake it; and upon this ground when the layd Undertakers heretofore preferred a Bill for Drayning the sayd Levell; the Parliament Ordered that all the Countie concerned should have notice, that so they might object what they could against the sayd Bill, and accordingly the sayd Countie did attend and objected against it; and thereupon that Bill went no further.

Therefore wee humbly pray, that you will bee pleased by way of provisionall Act, or otherwise, that (wee not consenting) the Act may be repealed.

Valentine

VALENTINE PARKER, VVIL-  
LIAM MANNING, EDMUND  
BRAGDY.

To Peterborow:

**W**Hereas it **is** apparent that the  
Undertakers will take a larger  
portion of the Commons, unless  
some speedy course be taken for  
prevention thereof; Wee taking it into serious  
consideration, have bought sic sone a considera-  
ble summe of money may be raised by a roul-  
etary contribution in every Towne, which wee  
have indifferently computed according to the  
Numbre of persons in every Towne, and  
are above written to afford your assistance in  
promoting of the busynesse in your Towneship, and  
to meet us at the next Sessions, that the Com-  
try may know what is done therein. Dated  
the 18. day of Aprill, 1650.

Francis Quare.

John Clypole.

VVilliam Lestfield.

Peterborow, 12. mo. 1650.

## The Answer to the Petition with a Reply thereunto.

Answ. 1.

**T**hey stile it the Petition of the Soak of Peterborough, consisting of 47. Parishes and Hamblets; Whereas the Soak of Peterborough consists of seven Parishes which hath severall Endships or Villages, and the Towne of Peterborough hath near as many people in it as all the rest, and the greatest intrest in the Common; and yet the Petitioners could get neither hands to the Petition, nor monie upon the Warrants made by three Justices of Peace at the Sessions for Collecting a rate, they set at the Sessions, for opposing an Act of this present Parliament. They were likewise refused at Eye, Wainsford, and Thornhaugh, and other places; and yet 'tis stiled the Petition of the Soake of Peterborough.

Reply. As was the foundation, so is the structure; for as the Prophet *Isaiah* hath it in another case, *They have made lies their refuge, and under falsehood have they bid themselves*. For first, this clause is nothing but a congeries or heap of falsehoods.

1. The Soake of *Peterborough* hath fourteen Parishes, most of which have two or three, some four or five Towns and Villages belonging to them; and some one of these Parishes have near as many people as the Town of *Peterborough*; and many single Townes have more Land belonging to them, and so more people that have right of Common, then the Town of *Peterborough*, the Common belonging to their Land; And those who were best affected there, did either subscribe the Petition, or contribute to the promoting it: And for those that refused there, and also at *Thornhaugh, Wainsford, and Eye*, the reason is apparent. The manor of *Peterborough* is lately purchased by the Lord chiefe Justice, *St. John*, and two of the other Towns, are the Earl of *Bedfords*, and great part of the third; yet there they would have subscribed and

contributed, but that they were threatened by the Bayliff to the said Earl, that they should be turned out of their houses. And yet all these Towns also did contribute to the preferring a former Petition to this Parliament against this undertaking.

2. The Paper it selfe, they call a Warrant, being herewithall printed, will clearely evidence the detracting Spirit of the Answerer, it having neither the face nor resemblance of a Warrant. Nor was there any tax set by the Justices at the Sessions, or at any other time. Onely at a publike meeting ( long before the Sessions ) at the desire of many Gentlemen Free-holders and Commoners; Some Papers were subscribed and directed to severall persons, for a voluntary contribution towards promoting their Petition to the Parliament ( which is all the opposition they made to the A&t ) which Papers were also subscribed as Commoners, but refused as Justices.

3. Although above twenty for one of the persons interested in the Common, having either subscribed or contributed to the prosecuting the Petition; and most of the Gentlemen of quality in the Soake, having attended the Parliament at presenting thereof; It might very well be stiled the Petition of the Soake, yet it was onely intituled, *The Petition of such Inhabitants whose names were thereunto subscribed, and not ( as falsely is alleadged ) The Petition of the Soake.*

And because the undertakers great pretence is, that they had a Petition from the Soak for Drayning; It will be materiall to expresse the names of some of the principall Gentleman of quality, that either presented, subscribed, or contributed towards the promoting the said Petition against this undertaking, ( v. z. ) *The Lord Fitz-William, Humphrey Orme Senior Esq; The Heirs of Sir Thomas Brown, Thomas Dove Esq; Francis Quarles Senior Esq; John Cleypoole Senior Esq; Edward Palmer Esquire, William Stydolfe Esq; John Teigb Esq; Humphrey Orme Jun. Esq; Christopher Thursby Esq; Francis Quarles Jun. Esquire, John Cleypoole Jun. Esq; William Leafield Esq; Matthew Robin-*

Robinson Esq; John Fletcher Esq; John Wilby Esquire, with all the rest of the Gentlemen Free-holders and Commo-  
ners in the Soake, ( Except some few in the Towns above  
mentioned and for the reasons aforesaid ) And which  
of these deserves the Title of the Petition of the Coun-  
try? is left to any indifferent Reader ( especially them that  
know that Country ) to judge, there not being two Gen-  
tlemen of like qualitie, to any of these, that appeare for  
the Drayning.

Ans. 2. For the manner of procuring it. First, The Pe-  
tition was set on foot by Sir John Maynard, who sent into the  
Country for stirring up the people against the Act. The two  
Quarles's, Justices of the Peace, ( who were protected all the  
War by the Govenours of Beaver and Newark; and in recom-  
pence thereof, they protected my Lord Lexingtons Estate in the  
Parliaments quarters ) being first engaged they drew in Leafeild  
and Mr. Cleypoole, two other Justices of Peace. These Ju-  
stices making use of their Authority, as Justices, procure some  
others by transalting it at the Sessions, and other publique pla-  
ces, as at a hundred Court Leet for the whole Soake; where both  
the Quarles's ( George Quarles being Steward there ) inci-  
ted and stirred up the people to an opposition. And so at a Horse  
race, where my Lord of Exeter was solicited to engage against  
it, but refused: And yet the better to countenance it in all their  
meetings, used his name; The Petition being brought up, Sir  
John Maynards advice is taken in it, and the whole manage-  
ment of this affaire is governed by his advice, who in the Kings  
time was the greatest promoter of Drayning that could be for the  
King.

Reply. Themselves being guilty of procuring indirect  
Petitions, they would faine fix it also upon others, and  
blast them in their reputation, as Sir John Maynard, the  
Quarles's, Mr. Cleypoole, and Mr. Leafeild.

But 1. whereas 'tis suggested, that Sir John Maynard set  
the Petition on foot, 'tis well known that this under-  
taking was opposed, & a petition formerly presented from  
the Soake against it, before Sir John Maynard was known  
by any of them, to be any whit concerned. And that Sir

*John Maynard* sent into that Country to stirre up the people against the Act, hath as little truth in it, as all their former Allegations, and that in particular, that Sir *John Maynard* promoted the undertaking in the Kings time. For 'tis notoriously known, that Sir *John Maynard* preferred at *New-markes* a Remonstrance, in behalfe of the Country against the Earl of *Bedfords* undertakings, and another at *Huntington* against the Kings.

2. That the *Quarles's* were first engaged, and drew in *Mr. Chyppole*, and *Mr. Leafeild*, is a meere suggestion and groundlesse allegation. For 'tis well known in the Country, that the *Quarles's* are no further concerned than as to the Common, equally to all the rest; Whereas *Mr. Chyppole*, and *Mr. Leafeild* (in case the worke proceed) are in danger to be surrounded in their houses, fields, and severall Grounds.

And whereas 'tis falsely and scandalously alleadged, that the *Quarles's* were protected all the War by the *Govenours of Beaver and Newark*, and that in recompence thereof, they protected my Lord *Lexington's* Estate in the Parliaments Quarters: They could wish the Allegation had been true, as to the protection of themselves. For although the Parliament have declared it no crime to be protected, or to pay contribution being under the power of the Enemy (as they were;) yet the *Quarles's* were so far from being protected, that for their adhering to the Parliament, both their persons and goods have beene seized. They have refused contribution when taxed by the Enemy, and upon all approaches of the Kings party, they were faine to flye for sanctuary to the Parliaments Garrisons, or otherwhere, to obscure and hide themselves as some of the Adventurers themselves know.

And for protecting the Lord *Lexington's* Estate in the Parliaments Quarters, 'tis a meere calumnie and detraction of the Answerer; but because he and his party have been often biting at the sanc<sup>t</sup> stone, it will be necessary to make cleare what (is, presumed) they aimed at. The Daughters of the Lady *Lexington*, Heires to

to Sir Thomas Brudenell, Infants and Wards, had an Estate, to part whereof, one of the Quarles's was Tenant. And althongh it was usually termed the Estate of the Lord Lexington; yet because in right it appeared to the Committee at Norham to be the Estate of the said Infants, (for which a Rent was paid to the State) it was not sequestred; and upon the same ground when some other Estate in London belonging to the said Infants, was sequestred as the Lord Lexington's, it was afterwards discharged by the Parliament.

3. That the people were stirred to opposition, (otherwise then by Petition, which the Parliament have declared to be the right of the people) is a manifest untruth. But 'tis acknowledged that the busynesse was transacted at the hundred Court, it being the proper place for that purpose, for 'tis the chief busynesse of that Court to order and regulate what concerns the said Fen. There all Officers for the Fen are elected. There all presentments are made for Draynes and Banks, and what ever hath reference to the Fen; and for that reason severall Justices of Peace, and the best Free-holders of the Soake, have alwaies frequented and been present at that Court.

How far the Earl of Exeter assented or disagreed, will appear in its proper time. But the said Earl being at London, and a quiet and peaceable discharge by the Commoners, being represented unto him by the undertakers, under the notion of an exorbitant riot; nay, no lesse then treason, neither the said Earl, nor any sober man had reason to avow it.

Ans. III. For the matter of the Petition.

1. They mention the grounds upon which the Parliament pass the Act (not one whereof are mentioned in the Act) and conclude them to be all false.

1. They saie they never desired to be Drained by the undertakers, nor gave any consent thereto but opposed it.

2. They were not fully heard, nor their witnessesse examined.

3. That their grounds are not but fully surrounded, their

Land being generally worth, 10. s. 12. s. and 20. s. per Acre: all the burthen they receive by the water, is for want of scouring draynes in Thorney, and from a new worke made at Whittlesea, from this and two opinions, one, i. Jac. that adjudges under-taking drayning a monopoly; and the Declaration of Decemb: 1641. that calls it an oppression and project, they pray they may not be concluded in the Act.

Reply. That not one of the grounds of the Petition, are mentioned in the Act is clearly otherwise; It is in the very frontispiece of the Act, and the foundation upon which all the structure is erected, (v.z.) That the said level by reason of frequent overflowings is of small and uncertaine profit; which words do necessarily imply a hurtful surrounding: For the other grounds, the Petitioners are not positive in them, but with submission, and that they had good reason to conceive that the Act was passed upon those grounds and informations will appear.

1. For that the adventurers and their Agents, did frequently heretofore affirme (what they have also now imprinted) that the Petitioners did consent, and that they were fully heard.
2. For that the Parliament upon the Ordinance, did give order that all the Counties interessed should have notice and be heard, whereupon no doubt they did conceive upon the passing of the Act, that they were all fully heard.

Ans. To answer the particulars of this Petition, it will be necessarie to set downe the state of Draynings, and the proceedings thereupon, which will sufficiently evidence the falsenesse, boldnesse, and unreasonableness of this Petition.

Reply. The Answer to the particular of this Petition is so full of prevarication, and equivocation, that the discovery thereof, will sufficiently evidence the falsenesse and boldnesse of the said Answer, and unreasonableness of the said undertaking.

Ans. At a Commission of Sewers held 6 Car: at Lin. every County in the Level, Petitioned Francis late Earl of Bedford, to undertake the work of drayning, and offered him 95000 Acres for his recompence, and the Commission of Sewers which were

47 in number (all land-owners) made it their suit, in behalf of themselves and the Country, requested therunto by the Grand-Juries; upon this and many former Petitions made unto him for that purpose, he then made a contract, and not one man opposed it.

Reply. 1. Here the answerer already begins to prevaricate, and calls the Petition of a part (and that Inconsiderable) the Petition of the County. For in the Soake of Peterborough. (and so 'tis presumed it was done in other Countries) the adventurers by their Agents, got a Petition of their own contriving, subscribed by some of the Earl of Bedfords tenants, and some few other persons interessed with them: Whereas twenty times as many, and divers of them having ten times as much interest as any of the subscribers, never consented but alwaies opposed it; and yet this is stiled by them, the Petition of the County.

2. For the Commission of Sewers held at Lin. 'tis notoriously known at whose instance it was sued out; and how the Commissioners acted; Many of them being Judges and parties drive on the designe of undertaking, and when any would not comply, the Commissions were presently renewed, and such left out; As the Lord North, Sir Roger North, Sir Dudley North, and others: And in case the Grand-Juries had desired any undertaking, it little or nowhit concerned them, being most uplanders, especially in the County of Northampton, there being but one hundred (which is the Soak) in that County concerned, which Soak hath also particular jurisdiction, and Grand-Juries of their own, who protest against any such request.

3. They say the Earl made a contract, but alleadge not with whom; 'Tis clear that it was not with the major part of the Commoners and owners (as it ought) according to the Statute of 43 of Eliz. chap. 11. But perhaps the Commissioners might make a contract with themselves, and some others; for a pretence, under colour of a tax imposed, and not paid accordingly. And how legall such imposition and contract was, the Petitioners desire onely that they may be at liberty to determine by the Law. But the adventurers know well enough

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the illegallity of those proceedings. And therefore have sheltered themselves with an Act of Parliament ; and yet those proceedings also are the grounds of their Act.

Ans. The Earl and his participants expended 120000. L. in it, and brought it to great perfection within six years, and then was outed by the late King, who tooke not onely the 95000. Acres but 57000 more.

Reply. The worke was brought to such perfection, only that according to the words of the Act, They divided the lands amongst themselves by lots and shares, & for securing their own part (which was all the best ground in Peterborough Fen:) they made all the remainder there, in a worse condition then before their undertaking, and by a Jury at Huntington, it was found that the Earl had not meliorated the said levell, and therefore was justly outed: And what proportion soever was allotted to the King at Huntington, it never was taken by him, as was unjustly done by the said Earl and his participants, who assigned to the King (by colour of their Lin. Law) what was taken by him out of Burrough Common.

Ans. About Decemb. 1641. a Bill was brought in for confirmation of Lin. Law, and was committed, but by the death of the Earl of Bedford, and the War comming on, the prosecution thereof was laied downe, but afterwards revived againe by severall Petitions, amongst which was one from divers Inhabitants of the Soake of Peterborough, whereupon an Ordinance was brought in and committed.

Reply. A Bill was brought in, but so unreasonable, that it was opposed by all the severall Counties, and particularly by the Soake of Peterborongh; and thereupon 'tis most probable (the Parliament at that time having remonstrated against undertaking without consent of parties interested) the prosecution of it was laid down. What Petitions were presented for the reviving of it out of the Country, were doubtlesse procured by the same Art, and indirectly, as was one from an inconsiderable party of the Soak of Peterborough; For the undertakers having erected a Sluce and some new works near Whittlesea, which hurtfully

fully surrounded all the Meadowes, being many thousand Acres from *Peterborough* to *Wansford* and upwards. The Agents for the adventurers contrived a Petition under colour of pulling downe the Sluce, and cunningly inserted some thing that tended to Drayning : Whereupon the Tenants to the said Earl and some others that desired to be rid of their grievance (the Sluce) subscribed the Petition, but are ready to avow that their intent was onely to pull up that Sluce and not to drayne; and the Agent who procured hands to the said Petition, hath lately acknowledged, that he was faine to butter it over with the Sluce, and how mean a party the subscribers were, will appear by the opposers as formerly is declared.

Ans. The Committee (where none were to have voice that had any interest in the undertaking, but yet all owners in the Country were) before they proceeded, sent Letters by the Chair-man to the severall Sheriffs of the Counties of Norfolke, &c. to give notice to the Inhabitants, that an Ordinance was referred to the Committee for drayning the Fens ; and that such as desired to be heard, should attend the Committee : and in these letters, copies of the Ordinance were inclosed, and accordingly notice was given.

Reply. 'Tis true, the Parliament (who intinded the businesse should be carried impartially) did order that no undertaker should be of the Committee: but notwithstanding many undertakers, sharers, and parties interested with them did sit, and vote, and adjurne, and manage all the businesse on the behalf of the undertakers, and some of them were then challenged in that respect by the Countries.

Ans. Thereupon many of the Country came in and objected not so much to the drawing, as to the miscarriage of it in former times: And in particular, some of the Inhabitants of the Soak of Peterborough, for whom one of the great promoters of this Petition, George Quarles was of Councell, who with divers other Councell were heard all they could say, and so was Sir John Maynard himself, and witnesses examined on all parts, and par-

ticularly some of the Inhabitants of the Soake of Peterborough, by whom it was proved, that Burrow Common, mentioned in the Petition, where my Lord of Bedford first began his draining, was not worth six pence the Acre, but by his draining made worth ten shillings: and many amendments were made in the Ordinance at their desire, and the severall clauses now in the Act, for the benefit of the Country, were brought in by the Councell of the Country, and assented unto.

Reply. The Countries did come in, and both by Petitions and their Councell did appose this undertaking; and (as their severall conditions were) some objected to the draining it self, others to the miscarriage, not onely in former times, but by the present undertakers: And 'tis utterly denied that the Inhabitants of the Soake, by themselves or Councell did desire being in, or assent unto any amendments in the Ordinance, or clauses now in the Act: And that witnesses were examined on all parts is a grand untruth. The undertakers examined to the full on their parts, but not above three or four (and those onely on the part of the Isle of Ely) were examined on behalfe of all the six Counties, that some Inhabitants of the Soake were examined, or any at all in behalf of the Soake is otherwise; There was onely one which was a Tenant to the Earl of Bedford, and he was not examined for, but against the Soake; and yet he was more ingenuous then the answerer, to affirme so grosse an untruth, as that Burrow Common was not worth six pence the Acre before the undertaking, for he well knew the contrary: all that he affirmed was, that he conceived Burrow Fen improved by the Earls undertaking, or words to that effect; And yet that will clearly appear otherwise if rightly understood.

Tis true, that part the undertakers tooke for themselves, they imbanked and kept out the water, and so improved, but left all the Common a recepticle and bed for the water, and so made that worse then heretofore.

Ans. Before the Committee these things were in question amongst others. i. What title the Earl of Bedford had to this worke.

worke. 2. Whether the levell was burtfully surrounded, 3. Whether the worke was feasible. 4. Whether it were beneficiall; and witnesses examined to all these points, That there were neare fifty bearings in the space of almost three years, and all sides heard, &c. (which appears at large in the Chairmans book) and upon the report thereof the Act passed.

Reply. That the Earls title was questioned is true; the Countries all opposed it, and were and are ready to try the validity of it with him at Law (in case they may be permitted;) but the undertakers well knew the weaknesse thereof, and therefore waved that point, and fell upon the others which were collateral, and best made way for their Act: And for the benefit of the worke, their proofs went onely to particular men, who had imbanked and plowed; but this benefit cannot redound to the Petitioners (being Commoners:) They cannot plow nor sow, but must onely eat their Commonons with their Cattle: That witnesses were examined to all these points on the parts of the undertakers may be true; but that all sides were heard, (otherwise then aforesaid) is utterly false, neither can any such thing (if truly taken) appear in the Chaire-mans book.

Ans. The Act being past, the Earl and his participants the last Summer and this, have raised and expended 50000 l. which with the 120000 l. principall, and interest formerly expended thereupon makes near 300000.

Reply. What monies the Earl and his participants expended was in their own wrong: nor is it any great difficulty to raise and expend great summes of money, when the estates of the Petitioners and other Countries must be first sold for the raising it.

Ans. This being the true state of the busynesse as it appeared before the Committee, the contrary to what the Petitioners affirm appears to be true; as that, 1. They were fully heard, and witnesses examined. 2. That they were burtfully surrounded.

Reply. The busynesse is generally mistated by the Answerer: that onely being alledged which tends to his own purpose; but it consisting most in matter of fact,

the Petitioners desire onely that liberty, and they doubt not clearly to prove what they alleadge, and to make appear the contrary what the undertakers affirme to be true; as that, 1. They were not fully heard, they never having one witness exaniined. 2. They never consented but alwaies opposed the said undertaking. 3. That they are not hurtfully surrounded.

Ans. *The Petitioners equivocate with the Parliament, and say Burrow Common is not hurtfully surrounded, that is true; for the workes made by the undertakers draize them, and till that was done they never stirred, but before the undertaking it was a Quagmire, usefull for nothing but fishing and fowling, as appears by the Statutes of 32 H. 8. 13. & 43 Eliz. 11.*

Reply. In case any workes had been made by the undertakers which drayne *Burrow Common*, it is no more then the Earl of *Bedford* of right ought to do, his Mannor of *Thorney* lying next adjoyning, and the neglect of his drain being the greatest prejudice to *Burrow Fen*: But (in case the undertakers durst abide a legall triall) it would easily be made appear, that *Burrow Fen* was in as good a condition before the undertaking as since (for ought that's done by the undertakers:) But the Petitioners themselves of late years have by voluntary contributions, and by letting out part of their Common, raised severall summes of money, and have thereby repaired their bankes, and scoured their draines, to the good improvement of their said Common.

And for those two Statutes, they make little for their advantage, if rightly taken; Tis well known that Statutes looke to the generallity; and the Levell (as tis calld) consists of near 400000 Acres, whereof *Peterborough Fen* is an inconsiderable part, and as one of those Statutes tearmes it, and the Answer it self; *But a borderer.* And in case *Burrow Fen* was within the meaning of those Statutes, yet how absurd a conclusion doth the Answerer draw from thence (viz.) *Burrow Common* was hurtfully surrounded, 32 H. 8. and therefore it is so now. It might be then drowned, and now good ground, as really it is.

Ans.

Ans. That the draining drownes many thousand Acres of rich meadowes is untrue; It must in reason ease the meadowes because the out-fall is deeper, and the floods go to the Sea by a nearer cut, and if any damage hath beeene of late done to the meadowes by floods, it is by a banke made at Orton, a mile above Peterborough, whereby the meadowes above that banke are worse, but those below are bettered.

Reply. To evince the falsehood of this particular, experience is the strongest and surest evidence; and they below that damme at Orton find by sad experience, that they are much drowned as those above, and that by the undertakers works.

Ans. The undertakers works are so far from drowning any other grounds that they secure all Holland and Marshland, and takes from them the charge and danger, so that nothing but malice could object that the undertakers drowned their grounds to draine these.

Reply. Had the Answerer but meere naturall Logick, he could never have drawne this conclusion from such premises, (viz.) That the Undertakers secure Holland, therefore they drowne no other ground, they may secure one place, and yet drowne another as they doe. And that their works doe so and will doe more, is demonstrable in reason; for although there were a nearer cut and greater outfall then before, yet the water which in floods useth to expatiate many miles, all over Whittlesea and Thorney Lordships, eaven to the Coasts of Holland, being to be contracted within banks, must needs rise much higher, and continue longer, which hath evidently appeared these late yeares, since the unbanking onely on the South side the River Neve; how much more will it be when 'tis unbanked on the North side also.

Ans. For the Judgement in Parliament, & Jacob. There is no such thing.

Reply. 'Tis well knowne that Sir Miles Sands a great adventurer at this time, did in 1 Jacob, promote this businesse of Drayning, which being then well understood, and opposed by Sir Edward Cooke, King James also made

a speech against it, and so it was rejected.

Ans. For that Remonstrance in Decemb. 1641. it appears to be meant of improvement, made by the King as Lord of divers Mannours upon great waysts. And that this worke of Drayning was not intended in this Declaration is cleare, because at that time the Earl of Bedfords Drayning was countenanced by the Parliament, and a Bill committed for establishing it.

Replie. Sure the Answerer cannot be so ignorant, as he seemes to be, for that this Drayning was intended by the Parliament, is evident by the words of their Remonstrance (viz.) *Large quantities of Commons, and severall have been taken awaie from the subject, by abuse of the Commissions of Sewers, without their consents and against it.* And till the Answerer can produce some presidents of Commissions of Sewers issued out for improving Up-Lands; 'tis hoped he will give others leave to think that this Drayning was intended in the said Remonstrance. Besides, that very clause was inserted in the said Remonstrance, upon the Petition of Lincolnshire Gentlemen, against the Earl of Lindsays undertaking, which stood upon the same bottome with this of the Earl of Bedfords.

Ans. They saie, It's a monopilie against *Magna Charta*, and the Petition of Right. Whereas Parliaments have alwaies beene of another minde, as appears by the Statute, 23. of Eliz. 13. The Stat. of Jac. Ch. 8. Which encourage Drayning, and give the undertakers halfe, and more. And the Earl of Bedford hath but the fourth part. And so 4. Jac. 13. &c. 43. Eliz. 11. are excellent Statutes for encouragement of undertaking drowned Grounds.

Reply. Here the Answerer still prosecutes his trade of Juggling, and ( to delude the people, and asperse the Petitioners ) confounds legall and illegall Drayning, and affirms ( though falsely ) that the Petitioners call all Drayning a Monopilie, and project, which is otherwise; For the Petitioners onely ( according to the Declaration of Parliament ) terme that a monopilie, which is by abuse of the Commissions of Sewers, and against consent of parties interessed, as this undertaking was. And had these

these Undertakers proceeded, as the Undertakers by the three first mentioned Statutes ( which was according to the Statute 43. Eliz. ) by contract with the parties interested, they had not been opposed by the Petitioners. And whereas 'tis affirmed that the Earl had but a fourth part. There was taken from the Petitioners by colour of the Commission of Sewers, above a third part, and that of the best Ground in their Common. And by the Act the Undertakers are to have the same proportion againe.

Ans. The Scope of all is, that the Parliament should maintain their owne Act. That the Petition may be cast out of the House, and the promoters left to the Law, for the reasons before insisted upon; And further, for that the Petitioners stirred not till a yeaer after the Act passed, and those works done in particular which should secure them.

2. It would be mischievous to the Common-wealth, to give any countenance to this Petition; for by the same reason the Act for the Engagement, taking away Kingship &c. may be Petitioned against. And 'tis not doubted but that Sir John Maynard waits for some colour of a ground, to set on foot some practise against those Lawes.

3. For that the Petition complaines of nothing, but what the Act hath made full provision in. And in all cases of difference the Commissioners are to judge. And the Petitioners have not so much as made any address to the Commissioners, but conclude them all parties interested, and so appeal from them.

Replie. That the Petitioners never stirred till a yeaer after the Act, is clearely otherwise.

1. The Petitioners did oppose this undertaking, and brought in their Exceptions against the Bill exhibited by the said Earl 1641. Also they opposed the Ordinance brought in for passing this Act ( as the Answerer himself confesseth ) three yeaers before the Act passed. But the Answerer hath so used himselfe to falsifie, that he will contradict what himselfe before affirmed, if it make for his advantage.

2. It would be very mischievous to the Common-Wealth,

Wealth, if the subjects thereto should be deprived of the liberty of Petitioning against things established by Law, so that it be done with sobriety and submission to the present Government ( as this Petition was. ) And this present Parliament have declared it the peoples Right to preferre, and their Duties to receive such Petitions. And it is a great boldnesse in the Answerer, to terme that a mischief which the Parliament have declared to be the peoples Right. But they who for their own interest, ( in opposition to the Parliament ) did endeavour with fire and sword to establish Kingship, nay, Tyrannie, can for their own advantage wheele about, and lay that imputation upon others, who alwaies have adhered to the Parliament, ( as Sir John Maynard and others ) having well learnt that machivilian Rule, Charge borne ( though never so false ) some things will stick.

3. There is some seeming provision made by the Act, but the Commissioners have no power to apply it, till first the Petitioners be put out of possession, which is one of the Petitioners greatest grievance. And to what end should the Petitioners address themselves to the Commissioners, when they have no power to give redresse. And that some of the Commissioners are parties interested, the Undertakers themselves well know, and have lately acknowledged. But that the Petitioners doe conclude them, all parties is one of the Answerers false recitals, The Petitioners onely desiring that no parties interested may be Judges and Parties.

**FINIS.**

